

REMARKS

Claims 1-11 are pending in the application. In the Final Office Action of November 5, 2004, the Examiner made the following disposition:

- A.) Commented on claim 1.
- B.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*
- C.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock* and further in view of *Kamauchi et al.*

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

A.) Regarding comment on claim 1:

Claim 1 has been amended to clarify that the gas absorbable material has a thickness in a range of 1 μm to 500 μm . Claim 1 has also been amended to claim that that gas absorbable material is one of molecular sieve and silica gel. Applicants note that the gas absorbable material and the first and second gas absorbable members are separate claim elements. *See, e.g.*, the illustrative first gas absorbable member 5 and second gas absorbable member 6 in Figure 1.

Further, claims 2 and 3 have been canceled, and claim 4 has been amended in view of the amendment to claim 1.

B.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*

Applicants respectfully disagree with the rejection.

Referring to Applicants' Figures 1 and 2 for illustrative purposes, claim 1, as amended, claims a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal. A gas absorbable material and resin material are interposed between an outermost layer of the outer covering member and the battery element. The gas absorbable material is one of molecular sieve and silica gel. A content of the gas absorbable material is in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material. The gas absorbable material has a thickness in a range of 1 μm to 500 μm .

A first gas absorbable member is positioned at a first side of the battery element. A second gas absorbable member is positioned at a second side of the battery element opposite the first side. The laminated film has a first outer covering member and a second outer covering member, the first outer covering member and the second outer covering member being a single

common piece of material. The first outer covering member has a preformed recess accommodating the battery element. The second outer covering member extends from one side of the first outer covering member and is folded onto the first outer covering member covering the battery element and the preformed recess.

Thus, Applicants' claimed gas absorbable material has a thickness in a range of 1 μm to 500 μm . As discussed in Applicants' specification, if the thickness is more than 500 μm , a loss of volume energy density becomes larger, and if the thickness is less than 1 μm , the formation of the gas absorbable material becomes difficult. (Specification, page 16, lines 10-16).

This is clearly unlike *Chaloner-Gill* in view of *Bullock*, which fails to disclose or suggest Applicants' claimed gas absorbable material that is one of molecular sieve and silica gel. *Chaloner-Gill* teaches a gas absorbable material that can be a hydroxide, carbonate, sulfite, thiosulfate, tertiary phosphate, secondary phosphate, organic acid salt or halide of an alkali metal or alkaline earth metal, or active carbon, active alumina or activated clay. (*Chaloner-Gill* 8:13). Thus, *Chaloner-Gill* fails to disclose or suggest Applicants' claimed gas absorbable material.

Further, *Bullock* also fails to disclose or suggest Applicants' claimed gas absorbable material that is one of molecular sieve and silica gel. Therefore, for at least this reason, *Chaloner-Gill* in view of *Bullock* fails to disclose or suggest claim 1.

Claims 4-6 and 11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claims 2 and 3 have been canceled.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

C.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock* and further in view of *Kamauchi et al.*

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 is allowable over *Chaloner-Gill* in view of *Bullock et al.* as discussed above. *Kamauchi* still fails to disclose or suggest Applicants' claimed gas absorbable material. Therefore, *Chaloner-Gill* in view of *Bullock et al.* and further in view of *Kamauchi* still fails to disclose or suggest claim 1.

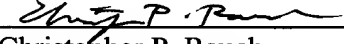
Claims 7-10 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1 and 4-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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